UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/25/2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-46 and 55-59* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-46 and 55-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

9/25/2008 has been entered.

Response to Arguments

1.   Applicant's arguments filed 9/25/2008 have been fully considered but they are

not persuasive.

        Applicant argues that Jaisimha does not teach "with the recording component

being omitted if not authorized to record the multimedia content."

        In response, the examiner respectfully disagrees. In Figure 8A and 8B, Jaisimha

teaches that if the media player cannot decode media data (the media player does not

authorize to record the multimedia content), the session is terminated and therefore the

recording component is omitted.

        Applicant argues that Jaisimha does not teach "the user interface component is

destroyed when a differing view of the user interface component is chosen."

        In response, the examiner respectfully disagrees. Jaisimha teaches the user

interface component is destroyed when a differing view of the user interface component

is chosen in Fig. 3. When the user chooses "PLAY FOO CUP NOW", the current screen

is disappeared (user interface component is destroyed), and FOO CUP will be played

on the screen.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claim 58 recites the limitation "the user interface". There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 1-9 and 21-28 are rejected under 35 U.S.C. 101 as not falling within one

of the four statutory categories of invention. Supreme Court precedent and recent

Federal Circuit decision indicate that a statutory "process" under 35 U.S.C. 101 must (1)

be tied to another statutory category (such as a particular apparatus), or (2) transform

underlying subject matter (such as an article or material) to a different state of thing.

While the instant claim(s) recite a series of steps or acts to be performed, the claim(s)

neither transform underlying subject matter nor positively tie to another statutory

category that accomplishes the claimed method steps, and therefore do not qualify as a

statutory process. None of the steps recited in the independent claims 1 and 21 are tied

to another statutory category. Therefore, the claims do not qualify as a statutory

process.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1-9, 15, 16, 18-20, 29-34, 36-40, 42, 55, 57, and 58 are rejected under 35

U.S.C. 102(e) as being anticipated by Jaisimha et al. (US 6,487,663 B1).

Consider claims 1 and 29, Jaisimha et al. teach a method comprising: receiving

multimedia content from a source (Fig. 5); creating a linked set of components to

process the multimedia content (col. 8, lines 28-30 and col. 9, lines 16-23); determining

authority to record the multimedia content (col. 13, lines 19-28); providing a recording

component in the linked set of components to record the multimedia content if

authorized to record the multimedia content (col. 13, lines 19-28); and rendering the

multimedia content with use of the linked set of components (col. 12, lines 52-61), with

the recording component being omitted if not authorized to record the multimedia

content (Fig. 8A, Fig. 8B, and col. 12, lines 52-61).

Consider claims 2, and 31, Jaisimha et al. teach the method wherein the

receiving is from an Internet website (Fig. 5).

Consider claim 3, Jaisimha et al. teach the method wherein the receiving

comprises protected multimedia content (claim 8)

Consider claim 4, Jaisimha et al. teach the method wherein the receiving comprises encrypted multimedia content and the determining is based as to the ability to decrypt the multimedia content (claim 13).

Consider claim 5, Jaisimha et al. teach the method wherein the creating comprises components to render the multimedia content whether providing a recording component is performed or not (col. 12, lines 52-61).

Consider claims 6 and 34, Jaisimha et al. teach the method wherein the creating is performed for every instance multimedia content is received (col. 10, lines 24-32).

Consider claim 7, Jaisimha et al. teach the method wherein the linked set of components is destroyed once rendering is complete (the user can close the RealPlayer once the rendering is complete).

Consider claim 8, Jaisimha et al. teach the method wherein the determining authority is based on a predetermined protocol with the source (col. 2, lines 33-50).

Consider claim 9, Jaisimha et al. teach the method wherein the predetermined protocol is based on encryption and decryption keys shared with the source (col. 9, lines 37-42).

Consider claim 10, Jaisimha et al. teach the method wherein the providing the recording component is omitted if not authorized to record the multimedia content (col. 12, lines 52-61 and Fig. 8B).

Consider claim 15, Jaisimha et al. teach the method wherein the providing is based on the recording component being registered to be installed in the linked set of

components (since the Recording component comes with the RealPlayer, it is

registered to be installed in the linked set of components, col. 13, lines 19-28).

Consider claim 16, Jaisimha et al. teach the method further comprising

establishing a user interface component to the recording component, wherein the user

interface component has a view associated therewith (col. 13, lines 22-25).

Consider claim 18, Jaisimha et al. teach the method wherein the user interface

component is part of a media player that comprises the linked set of components (col.

13, lines 22-25).

Consider claim 19, Jaisimha et al. teach the method wherein the user interface

component is external to a media player that comprises the linked set of components

(the user uses a mouse (user interface that is external to the media player) to click on

the record command button, col. 13, lines 22-25).

Consider claim 20, Jaisimha et al. teach a personal computer that performs the

method of claim 1 (col. 5, lines 30-50 and Fig. 2).

Consider claim 30, Jaisimha et al. teach the computer wherein the multimedia

content comprises audio content and video content (col. 12, lines 52-61).

Consider claim 32, Jaisimha et al. teach the computer wherein the means for

rendering comprises creating a linked set of components (col. 10, lines 24-32).

Consider claim 33, Jaisimha et al. teach the computer wherein the linked set of

components comprises a recording component (col. 13, lines 19-28).

Consider claim 36, Jaisimha et al. teach the computer wherein the means for storing comprises setting a flag in a recording component to indicate that multimedia content is authorized to be stored (col. 13, lines 28-35).

Consider claim 37, Jaisimha et al. teach a computer comprising: a memory (col. 5, lines 30-50); a processor coupled to the memory (col. 5, lines 30-50); and instructions stored in the memory and executable on the processor to access streaming multimedia content from a source (Fig. 5), render the streaming multimedia content (col. 12, lines 52-61), initiate a recording component to record the multimedia content if the computer is so authorized (Fig. 8B and col. 13, lines 19-28), and store multimedia content to a local storage device (Fig. 8B), with the recording component being omitted if not authorized to record the multimedia content (Fig. 8A, Fig. 8B, and col. 12, lines 52-61).

Consider claim 38, Jaisimha et al. teach the computer wherein the streaming multimedia content is received from an Internet website (Fig. 5).

Consider claim 39, Jaisimha et al. teach the computer wherein the streaming multimedia comprises encrypted multimedia content (claim 8 and claim 13).

Consider claim 40, Jaisimha et al. teach the computer wherein the computer is so authorized to record the multimedia content if the computer is able to decrypt the encrypted multimedia content (claim 13).

Consider claim 42, Jaisimha et al. teach the computer wherein the instructions further comprise providing a user interface to initiate rendering and recording (col. 5, lines 42-49, RealPlayer has user interface (play button) for rendering and col. 13, lines 19-28).

Consider claim 55, Jaisimha et al. teach the method wherein the user interface

component is destroyed when a differing view of the user interface component is

chosen (Fig. 3).

Consider claim 57, Jaisimha et al. teach the computer further comprising

establishing means for creating a user interface component to the recording component,

wherein the user interface component has a view associated therewith (col. 12, lines

22-25), and destroying the user interface component when a differing view of the user

interface component is chosen (Fig. 3).

Consider claim 58, Jaisimha et al. teach the computer wherein the user

interface component is destroyed when a differing view of the user interface component

is chosen (Fig. 3)

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 11-14, 21, 23-28, 35, 41, 44, 45, 56, and 59 are rejected under 35 U.S.C.

103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Kimura

(US 6,744,975 B1).

Consider claim 11, Jaisimha et al. teach all the limitations in claim 1 but fail to

explicitly teach the method wherein the providing a recording component comprises a

writer component connected to the recording component which stores the multimedia

content to a local storage device.

Kimura teaches the method wherein the providing a recording component

comprises a writer component connected to the recording component which stores the

multimedia content to a local storage device (18, 21, 22, and 23 of Fig. 1 are the

equivalents of the write component). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate the writer

component to store the multimedia content in a local storage device for later viewing.

Consider claim 12, Kimura further teaches the method wherein the multiplexes

audio and video content (15 of Fig. 1).

Consider claim 13, Kimura further teaches the method wherein the writer

component compresses the multimedia prior to storing to the local storage device (12

and 14 of Fig. 1).

Consider claim 14, Kimura further teaches the method wherein the write

component makes use of a predetermined protocol to store the multimedia content to

the local storage device, where the predetermined protocol is used to play back the

multimedia content (col. 4, lines 29-32).

Consider claim 21, Jaisimha et al. and Kimura teach a method comprising:

receiving a stream of multimedia content from a source (Fig. 5 of Jaisimha et al.);

separating the streamed multimedia content into audio content and video content (34 of

Fig. 1 of Kimura); initiating a first linked set of components to process the audio content,

and a second linked set of components to process the video content (col. 8, lines 28-30

and col. 9, lines 16-23); creating a first recording component in the first linked set of

components to record the audio content if authorized, and a second recording

component in the second linked set of components to record video content if authorized

(col. 13, lines 19-28); and providing audio output from the first linked set of components

and video output from the second linked set of components (col. 12, lines 52-61), with

the first and second recording components being omitted if not authorized to record

multimedia content (Fig. 8A, Fig. 8B, and col. 12, lines 52-61).

Jaisimha et al. and Kimura teach the claimed invention except for a first and a

second linked set of components to process, record, and output video and audio

contents respectively. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to separate the linked set of components that are able to

process, record, and output video and audio contents into two linked sets of

components since it has been held that constructing formerly integral structure in

various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ

177, 179.

Consider claim 23, Jaisimha et al. teach the method wherein the receiving the

stream of multimedia content is from an Internet source (Fig. 5).

Consider claim 24, Jaisimha et al. teach the method wherein the receiving the

stream comprises protected multimedia content (claim 8).

Consider claim 25, Jaisimha et al. teach the method wherein the creating is

performed based on registration of the first recording component as authorized to

record audio content, and registration of the second recording component as authorized

to record video content (since the Recording component comes with the RealPlayer, it

is registered to be installed in the linked set of components, col. 13, lines 19-28).

Consider claim 26, Jaisimha et al. teach the method wherein the creating of first

and second recording components is based on a predetermined protocol to allow

recording of audio and video content (col. 2, lines 33-50).

Consider claim 27, Jaisimha et al. and Kimura fail to explicitly teach the method

wherein the creating of the first recording component as authorized to record if audio

content is not protected, and creating the second recording component as authorized if

video content is not protected. However, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to create the first and second

recording component as authorized to record audio and video, respectively, if they are

not protected since it was known in the art that if the audio and video are not protected,

they are free to record.

Consider claim 28, Jaisimha et al. teach the method wherein the creation of the

first recording component as authorized to record if a predetermined protocol is

established to allow audio content to be copied, and creation of the second recording

component as authorized if the predetermined protocol is established to allow video

content to be copied (Fig. 8B and col. 13, lines 19-28).

Consider claim 35, Kimura teaches the computer wherein the means for storing

comprises a writer component that is initiated if multimedia content is authorized to be

stored (col. 5, lines 10-22).

Consider claim 41, Kimura teaches the computer wherein the instructions further comprise separating the multimedia content into audio content and video content that are rendered separately (Fig. 1).

Consider claim 44, Jaisimha et al. and Kimura teach a computer-readable medium having computer-executable instructions for performing steps comprising: contacting a server computer to send multimedia content (Fig. 5 of Jaisimha et al.); receiving the multimedia content (Fig. 5 of Jaisimha et al.); separating the multimedia content into audio content and video content (Fig. 1 of Kimura); decompressing the audio content and video content (35 and 37 of Fig. 1 of Kimura); creating an instance of a recording component to record the decompressed audio content and video content if so authorized to record (col. 13, lines 19-28 of Jaisimha et al.); rendering to audio output the decompressed audio content and to video output the decompressed video content (col. 12, lines 52-61 of Jaisimha et al.); and destroying the instance of the recording component after the multimedia content is rendered (the user can close the RealPlayer once the rendering is complete), with the instance of the recording component being omitted if not authorized to record the multimedia content (Fig. 8A, Fig. 8B, and col. 12, lines 52-61)

Consider claim 45, Jaisimha et al. teach the computer-readable medium further comprising a step of writing the decompressed audio and video content to a local file if so authorized to record (col. 13, lines 19-33).

Consider claim 56, Jaisimha et al. teach the method further comprising establishing a user interface component to the recording component, wherein the user

interface component has a view associated therewith (col. 13, lines 22-25), and destroying the user interface component when a differing view of the user interface component is chosen (Fig. 3).

Consider claim 59, Jaisimha et al. teach the computer-readable medium further comprising establishing a user interface component to the recording component, wherein the user interface component has a view associated therewith (col. 13, lines 22-25), and destroying the user interface component when a differing view of the user interface component is chosen (Fig. 3).

4.   Claims 17 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Horie et al. (US 2002/0094191 A1).

Consider claims 17 and 43, Jaisimha et al. teach all the limitation in claim 1 but fail to teach the method wherein the user interface component provides status as to recording and rendering states.

Horie et al. teach the method wherein the user interface component provides status as to recording and rendering states ([0089] and [0108]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide status of the recording and rendering states to show the user the progress of the recording and rendering.

5.   Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Kimura (US 6,744,975 B1) as applied to claim 44 above, and further in view of Horie et al. (US 2002/0094191 A1).

Consider claim 46, Jaisimha et al. and Kimura teach all the limitations in claim 44 but fail to teach the computer-readable medium further comprising a step of providing states as to recording and rendering.

Horie et al. teach the method wherein the user interface component provides status as to recording and rendering states ([0089] and [0108]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide status of the recording and rendering states to show the user the progress of the recording and rendering.

6.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Kimura (US 6,744,975 B1) as applied to claim 21 above, and further in view of Hazra (US 6,510,553 B1).

Consider claim 22, Jaisimha et al. and Kimura teach all the limitations in claim 21 but fail to teach the method wherein the receiving the stream of multimedia content is from a separate source on a network.

Hazra teaches the method wherein the receiving the stream of multimedia content is from a separate source on a network (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive the stream of multimedia content from a separate source on a network to decrease the receiving time of the multimedia content.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHI CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C. C./
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621